

AMENDMENT AND RESPONSE

PAGE 14

Serial No.: 10/062306

Filing Date: 12/1/2002

Title: BIT ERROR RATE TESTER

Attorney Docket No. 100312US01

REMARKS

Applicant has reviewed the Office Action mailed on September 7, 2004 as well as the art cited. Claims 1-55 are pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 1, 11 and 12 were rejected under 35 USC § 102(c) as being anticipated by Jefferey et al., (U.S. 2002/0188668) (also referred to here as "Jefferey").

In order to expedite prosecution, claim 1 has been amended to recite "wherein the HDLSL communication device remotely configures a second communication device to mask errors during the BER test." It is respectfully submitted that none of the cited references teach or suggest this feature.

For example, in rejecting claim 10, the Office Action cited paragraph 0254 of McWilliams (US 2002/0009089). Paragraph 0254 of McWilliams states:

[0254] In addition to an 8-bit address and 8-bit data bus plus the associated bus protocol control signals, the CPU interface 115 includes an open-drain interrupt signal. This signal may be asserted on the detection of various alarms within the device, e.g. excessive HEC errors, ECC buffer full/empty, loss of lock etc. Any of the potential internal sources of this interrupt may be individually inhibited via an interrupt mask.

However, the cited paragraph is silent as to "wherein the HDLSL communication device *remotely configures* a second communication device to mask errors during the BER test."

Claims 11 and 12 depend from claim 1 and, therefore, the arguments set forth herein with respect to claim 1 apply to these claims as well.

Accordingly, it is respectfully requested that the rejection of claims 1, 11 and 12 be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 2 and 3 were rejected under 35 USC § 103(a) as being unpatentable over Jefferey et al. as applied to claim 1 above, and further in view of Kaewell Jr. et al. (U.S. Patent No. 5,448,616).

BEST AVAILABLE COPY

AMENDMENT AND RESPONSE

PAGE 15

Serial No.: 10/062,306

Filing Date: 2/1/2002

Title: BIT ERROR RATE TESTER

Attorney Docket No. H001312US01

Claims 4 and 6 were rejected under 35 USC 103(a) as being unpatentable over Jefferey et al (U.S. 2002/0188668) as applied to claim 1 above, and further in view of Bremer et al. (U.S. Patent No. 6,647,058).

Claims 5 and 7 were rejected under 35 USC 103(a) as being unpatentable over Jefferey et al and Bremer et al. as applied to claim 4 and 6 above, and further in view of Lee (US 2002/0141445).

Claims 8 and 9 were rejected under 35 USC 103(a) as being unpatentable over Jefferey et al. as applied to claim 1 above, and further in view of Appleton et al. (U.S. 6,628,621).

Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Jefferey et al. as applied to claim 1 above, and further in view of Stenard (U.S. Patent No. 5,136,617) and McWilliams (US 2002/0009089).

Claim 13 was rejected under 35 USC 103(a) as being unpatentable over Seaholtz et al. (U.S. Patent No. 6,424,636) in view of Jefferey et al. and McWilliams.

Claim 14 was rejected under 35 USC 103(a) as being unpatentable over Seaholtz et al., Jefferey et al. and McWilliams as applied to claim 13 above, and further in view of Lee.

Claim 15 was rejected under 35 USC 103(a) as being unpatentable over Seaholtz et al, Jefferey et al. and McWilliams as applied to claim 13 above, and further in view of Kaewell Jr. et al.

Claims 16, 20, 22, 27, 29, 34, 35, 36, 38, 44, 46 and 51 were rejected under 35 USC 103(a) as being unpatentable over Appleton et al. (U.S. 6,628,621) in view of McWilliams.

Claims 17, 30, 31, 37 and 48 were rejected under 35 USC 103(a) as being unpatentable over Appleton et al and McWilliams as applied to claim 16, 29, 46 above, and further in view of Lee.

Claims 18, 23, 24, 25, 32, 40, 49, 50 and 53 were rejected under 35 USC 103(a) as being unpatentable over Appleton et al and McWilliams as applied to claim 16, 22, 29, 38, 46 and 51 above, and further in view of Bremer et al and Lee.

Claims 19, 26, 33 and 43 were rejected under 35 USC 103(a) as being unpatentable over Appleton et al and McWilliams as applied to claim 16, 22, 29 and 38 above, and further in view of Kaewell Jr et al.

AMENDMENT AND RESPONSE

PAGE 16

Serial No. 10/062 306

Filing Date 2/1/2002

Title: BIT ERROR RATE TESTER

Attorney Docket No. 100312US01

Claims 21, 28, 37 and 45 were rejected under 35 USC 103(a) as being unpatentable over Appleton et al. and McWilliams as applied to claim 16, 22, 29 and 38 above, and further in view of Stenard (U.S. Patent No. 5,136,617).

Claims 39, 41, 42, 52 and 54 were rejected under 35 USC 103(a) as being unpatentable over Appleton et al. and McWilliams as applied to claim 38 above, and further in view of Bremer et al.

Claim 55 was rejected under 35 USC 103(a) as being unpatentable over Appleton et al in view of McWilliams and Kaewell Jr. et al.

Claims 13, 16, 22, 29, 38, 46, 51, and 55 have been amended in a similar manner as claim 1. Therefore, it is respectfully submitted that the arguments set forth above with respect to claim 1 apply to these independent claims and the claims depending therefrom. Accordingly, it is respectfully requested the rejections of these claims be withdrawn.

Dependant claims 30 and 47 have been amended to make those claims consistent with the amended claims 29 and 46, respectively.

AMENDMENT AND RESPONSE

PAGE 17

Serial No. 10/062306

Filing Date 3/21/2005

Title: BIT ERROR RATE TESTER

Attorney Docket No. 100332US01

CONCLUSION

Applicant respectfully submits that claims 1-55 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1685.

Respectfully submitted,

Date:

3/7/2005

Jon M. Powers

Reg. No. 43,868

Attorneys for Applicant
Fogg and Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
T - (612) 332-4720
F - (612) 332-4731

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.